



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

cases as compared with 15,000 in the last edition of Sutherland on Damages. Mayne on Damages has increased in size steadily, but it is even now a small book compared with American treatises.

It is interesting to note that since the second edition, Judge Lumley Smith has been an editor. The second edition and the present one he edited alone; in the others he collaborated with the author. The fact that the editorial work throughout has been in the hands of the author and only one other editor, and he a well-trained lawyer, may account for the comparatively slight increase in bulk in the past thirty years. The plan and chapter arrangement have with one exception remained the same from the beginning. The present sixteenth chapter was added in the third edition.

In his preface to the present edition Judge Smith says that Mr. Mayne's forecasts have been justified by subsequent decisions in a very remarkable manner. Though true, it is perhaps not very remarkable after all, for when a book has been a classic for fifty years, the opinions of the author may well have moulded the law by furnishing the basis of the decisions of courts.

From what has been said it may be seen that the work would not be useful to American lawyers as a compendium or digest of cases, but as an analysis and statement of law on topics of general, rather than local application, such as the rule of *Hadley v. Baxendale* and of *Dulieu v. White*, and others of similar kind, it is of great value.

S. H. E. F.

THE LAW OF PERSONAL INJURIES ON RAILROADS. By Edward J. White. In two volumes. St. Louis: The F. H. Thomas Law Book Company. 1909. pp. clxiii, 826; xxxviii, 827-1739.

In his work covering the large field of personal injuries on railroads Mr. White has made two large divisions, to each of which he has allotted one volume. The first volume bears the title *Injuries to Employees*, and the second volume is called *Injuries to Passengers, Licensees, and Trespassers*.

In the first volume, before the rights of employees are set forth, the author devotes several chapters to the general law of torts and to the practice and procedure in railway accident cases, including such matters as the jurisdiction, the parties to an action for death, evidence, issues for the court and for the jury, and damages. These subdivisions are made in such a manner that the practitioner should be able to find the point at which his question is treated with very little effort. In general these prefatory subjects are treated as fully as can be expected in a book which is essentially given up to the rights of the parties. It is, perhaps, to be regretted that a little more space and consideration is not given to the questions of the conflict of laws, since it is so difficult to find problems of that sort dealt with in detail in any of the digests. Also it is to be regretted that the question of the allowance of punitive damages is covered without protest against the theory of the award of such damages. The main subject of injuries to employees is taken up in great detail, and frequent subheadings illustrating the questions that arise are explained by numerous examples in the decisions of the courts. The author is a strong advocate of the common-law rule as to the liability of the employer for injuries resulting from the negligence of co-employees and condemns modern statutes abrogating the rule and the motive which gives rise to the passage of such statutes. These statutes are given in detail and the decisions thereunder discussed.

The second volume covers the general relation of common carriers and passengers and the duties of the former to the latter, with the liability of the common carrier to the passenger for injuries arising from the acts of employees, of fellow passengers and of strangers. The rights of licensees and trespassers are also taken up in detail. The duties and liabilities of the carrier are divided in relation to the place where the injury may occur and the source of the injury and to the position of the person injured at the time of its occurrence. Thus the liability for injuries arising from defects in roadbed and track, stations and ap-

proaches, equipment, and the operation of trains are separate topics, as are also injuries incurred in boarding and alighting from trains, at grade crossings, overhead crossings and subways, those due to failure to give signals, provide gates or watchmen, etc. The defense of contributory negligence is taken up in relation to each class of persons whose rights are discussed and that of imputed negligence is not overlooked.

The whole field of tort actions against railroads is covered by this work in much detail and a great number of cases digested. The minuteness of the subdivisions causes some repetition which would be needless in a book intended for the use of students, but which adds to the value of the work for the practitioner, since it saves the time otherwise spent in separating the cases involving the same doctrine on different facts from those more directly in point in the specific instance for which a case is sought — a task especially frequent in the field of tort actions. The peculiar nature of the subject is, perhaps, also sufficient reason for the infrequency of an expression of opinion on the part of the author. With the exception of a few instances such as the topic of injuries arising from the acts of co-employees, the author has confined himself to the compiling of the decisions on all phases of the problems of railway accident cases. A clear index, a full table of cases, and complete references to the different reporter systems and reports in the citations, with the careful grouping of the decisions seem sufficient to make the book of great value as a special digest for the practitioner whose practice includes railroad accident cases.

J. S. S.

A TREATISE ON THE LAW OF LANDLORD AND TENANT. By H. C. Underhill. In two volumes. Chicago: T. H. Flood and Company. 1909. pp. ccxxxiv, 670; 671-1467. 8vo.

The subject of landlord and tenant is in a field of the law already well occupied, notably by Taylor, whose work has now reached its ninth edition — clear evidence of its merit and authority — by McAdams, Jones and others. Some justification for entering this field is, therefore, to be expected. Recognizing this, the author gives as one reason for his undertaking, that greater prominence to the relation of landlord and tenant as a contractual relation should be given and more of the law of contract should be incorporated in a work on the subject. It would seem, however, from an examination of other treatises, that the fact that tenancy is created by a contract, expressed or implied, has been duly developed. Rather is the author's justification to be found in his full collection of the latest American and English decisions and his comprehensive treatment of the modern law created by them.

In the first volume the principal topics are: parties to the lease, execution, different kinds of tenancy, what contracts are leases, rent and covenants. The author devotes the second volume principally to the tenant's possession and use of the premises, the respective rights and obligations as to condition of premises, duties to repair, taxes and insurance, assignment, eviction, surrender, fixtures and lien for rent and advances. His style is uniformly clear and direct. The rule of law is succinctly stated and numerous illustrations of its application are given under different facts and situations. Where the authorities are in conflict the different rules are indicated in the text and the cases discussed in the footnotes. The author does not give a full discussion of principles and this may account for his lack of discrimination in the case of *Lyon v. Reed* (page 1199), which is cited for the proposition that there is a surrender by operation of law "when another estate is created by the reversioner or remainderman with the assent of the tenant or which is incompatible with the existing state or term." While the decision did, in fact, recognize the above statement as law, it held that the principle did not apply where reversions or incorporeal hereditaments compose the subject matter of the surrender and where there has been no open shifting of possession. But in proportion to the whole, this oversight is slight. Generally the